

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

AMAURY ROSARIO,
Plaintiff

v.

UNITED STATES, et al.,
Defendants

:
:
:
: CIVIL NO. 1:12-CV-2491
:
:
:

O R D E R

AND NOW, this 11th day of February, 2013, upon consideration of the report and recommendation of the magistrate judge (Doc. 5), filed December 14, 2012, to which no objections were filed, and upon independent review of the record, it is ordered that:

1. The magistrate judge's report (doc. 5) is adopted.
2. Petitioner's motion for leave to proceed *in forma pauperis* (doc. 2) is GRANTED.
3. Plaintiff's complaint is dismissed as to the individual defendant, Erika Fenstermaker.
4. The clerk of court is directed to issue process to the United States Marshal, who shall serve the Plaintiff's Complaint (doc. 1) upon the Defendant, the United States, in accordance with Rule of Civil Procedure 4(l).
5. The above-captioned case is remanded to the magistrate judge for further proceedings, including a Report and Recommendation on dispositive motions, if necessary.

/s/ William W. Caldwell
William W. Caldwell
United States District Judge